

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOOPA VALLEY TRIBE,) Civ. No. 1:20-cv-1814-JLT-EPG
(Plaintiff,)
(v.)
()
UNITED STATES BUREAU OF) [PROPOSED] ORDER GRANTING
RECLAMATION; DEBRA ANNE HAALAND,) PLAINTIFF HOOPA VALLEY
in her official capacity as Secretary of the) TRIBE'S MOTION FOR
Interior; MARIA CAMILLE CALIMLIM) PRELIMINARY INJUNCTION
TOUTON, in her official capacity as)
Commissioner of the United States Bureau of)
Reclamation; ERNEST A. CONANT, in his)
official capacity as United States Bureau of)
Reclamation California-Great Basin Regional)
Director; and UNITED STATES)
DEPARTMENT OF THE INTERIOR)
(Defendants.)

1 This matter came on regularly for hearing on January 20, 2023. Plaintiff Hoopa Valley
2 Tribe was represented by Thane Somerville of Morisset, Schlosser, Jozwiak & Somerville PC.
3 Defendants were represented by J. Scott Thomas of the United States Department of Justice,
4 Environmental and Natural Resources Division.
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6 The Court has fully considered the briefs and evidence filed in support and in opposition
7 to the Motion for Preliminary Injunction, and the oral argument, testimony, and documents
8 presented at the hearing. The Court finds that: (a) Plaintiff will likely succeed on the merits of
9 its Ninth Claim for Relief in its First Amended and Supplemental Complaint for Declaratory and
10 Injunctive Relief (Dkt. #97), at issue in this motion for preliminary injunction, because federal
11 Defendants have unlawfully disregarded the statutory delegation of sovereignty and right of
12 concurrence found in CVPIA § 3406(b)(23); (b) implementation of the Trinity River Winter
13 Flow Variability Project will result in irreparable harm to the Trinity River and its fishery below
14 Lewiston Dam and accordingly to Hoopa, as well as to Hoopa's sovereignty; (c) the balance of
15 hardships favors injunctive relief; and (d) an injunction is in the public interest.
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17 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Preliminary
18 Injunction is hereby GRANTED, and the Court HEREBY RESTRAINS AND ENJOINS
19 Defendants, and their officers, agents, employees, and any other parties, persons, or entities who
20 are in active concert or participation with them, from any implementation of the Trinity River
21 Winter Flow Variability Project in the absence of the concurrence of the Hoopa Valley Tribe.
22

23 This Preliminary Injunction shall take effect immediately. The requirement for bond or
24 security is waived.
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26 Dated this _____ day of _____, 20____.
27

Honorable Jennifer L. Thurston
U.S. District Judge